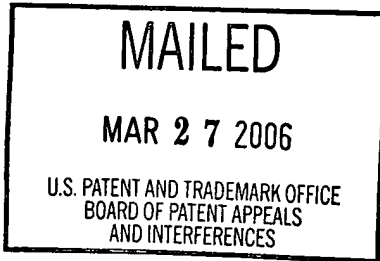


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte MARTIN JOHN CALLAHAN and STEPHEN FRANKLIN



Appeal No. 2005-2632
Application No. 09/768,736

ON BRIEF

Before FRANKFORT, McQUADE and BAHR, Administrative Patent Judges.
FRANKFORT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection (July 14, 2003) of claims 1 through 20, all of the claims in the application. Subsequent to the final rejection, the examiner has withdrawn rejections of claims 1 and 14 under 35 U.S.C. § 102(b) as being anticipated by Volz et al. (US 5,826,505), claims 2, 3 and 17 through 20 under 35 U.S.C. § 103(a) as being unpatentable over Volz et al. in view of John et al. (US 5,165,341), claims 4 through 13, 15 and 16 under

35 U.S.C. § 103(a) as being unpatentable Volz et al. in view of Puschmerat (US 5,950,538), and claims 7, 9 through 13 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Richards (US 6,050,185) in view of John et al. (answer, page 3). Only the examiner's rejection of claims 1 through 6, 8, 14 and 16 through 20 under 35 U.S.C. § 103(a) based on the combined teachings of Richards and John et al. remains on appeal. In light of the foregoing, the appeal as to claims 7, 9 through 13 and 15 is dismissed.

As noted on page 1 of the specification, appellants' invention relates generally to printing presses and more particularly to a device and method for driving rolls and cylinders in an offset printing press. Independent claims 1 and 14 are representative of the subject matter on appeal and a copy of those claims can be found in Appendix A of appellants' corrected brief.¹

¹ A review of independent claim 14 reveals several errors that appear to be typographical in nature. In line 4, it appears that the recitation of "second plate cylinder" should actually be -- second blanket cylinder --. In the last line of claim 14, it appears that the second recitation of the "second plate cylinder" should actually be -- second motor --. These errors should be corrected during any further prosecution of the application before the examiner.

The references of record relied upon by the examiner to reject the claims remaining on appeal are:

John et al. (John)	5,165,341	Nov. 24, 1992
Richards	6,050,185	Apr. 18, 2000

Claims 1 through 6, 8, 14 and 16 through 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Richards in view of John.

Rather than reiterate the conflicting viewpoints advanced by appellants and the examiner regarding the above-noted rejection, we refer to the answer (mailed April 21, 2005) for a complete exposition of the examiner's position, and to appellants' corrected brief (filed June 7, 2004) and reply brief (filed June 20, 2005) for the arguments thereagainst.

OPINION

Having carefully reviewed the obviousness issues raised in this appeal in light of the record before us, we have made the determination that the examiner's rejection will be sustained. Our reasoning follows.

As noted in the examiner's answer (pages 3-6), Richards discloses an offset printing press and method that is essentially the same as those set forth in independent claims 1 and 14 on appeal. The only difference is that Richards does not teach use of anilox inkers to apply ink to the first and second plate cylinders (4a, 4b). Instead, Richards merely shows representative ink rollers (8a) and (8b) for each of the plate cylinders, noting at column 3, lines 63-67, that "one or more inker rollers 8a, 8b may be associated with each of the first and second plate cylinders 4a, 4b, in order to apply ink to the printing plates (not shown) mounted on each of the plate cylinders 4a, 4b." To account for the missing anilox inkers, the examiner turns to the printing press of John, pointing to Figure 1 and noting the disclosure in the paragraph bridging columns 2 and 3 thereof that use of an "anilox roller with a short-train inker" would be feasible to transfer ink to the plate cylinder (5) of the rotary offset printing press therein.

Considering the collective teachings of Richards and John, the examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of appellants' invention to utilize anilox inkers in the web-fed, rotary, off-set newspaper

printing press of Richards so as to provide a short-train inker. The examiner also points to the disclosure in appellants' specification at page 1, lines 9-13, wherein it is admitted that use of an anilox inker to transfer ink to a plate cylinder of an offset lithographic printing press is known in the art.

The crux of appellants' arguments in the brief and reply brief appears to be that one of ordinary skill in the art would not use the teaching in John of a short-train anilox inker without also taking into account the teaching therein of gearing the blanket cylinder (1), the plate cylinder (5), and the ink form roll (12) together as seen in Figure 2 of that patent. Appellants then contend that incorporating the inker and gearing arrangement of John into the newspaper printing press of Richards would result in a press drive arrangement that would preclude appellants' claim 1 limitation of selectively contacting the plate cylinder with the blanket cylinder.

Like the examiner, it is our view that one of ordinary skill in the art looking at the disclosures of Richards and John would have immediately understood the importance in Richards of maintaining the particular drive arrangement therein so as to

retain the critical capability of selectively "throwing off" one of the plate cylinders while the other plate cylinder and blanket cylinders continue to run, thereby allowing the printing plates of the disengaged plate cylinder to be changed while the printing press is in operation, and also allowing the printing press to be operated as an "imprinter printing unit." See, e.g., the paragraph bridging columns 2 and 3 of Richards and column 5, lines 21-57. Moreover, given the known use of short-train anilox inkers in offset lithographic printing presses and the broad disclosure in Richards of only representative inker rolls (8a, 8b), along with the indication at column 3, lines 63-67, that "one or more inker rollers 8a, 8b may be associated with each of the first and second plate cylinders 4a, 4b, in order to apply ink to the printing plates (not shown) mounted on each of the plate cylinders 4a, 4b," we agree with the examiner that it would have been obvious to one of ordinary skill in the art at the time of appellants' invention to utilize short-train anilox inkers in the newspaper printing press of Richards to transfer ink to the plate cylinders (4a, 4b).

Appellants' own evidence supplied with the appeal brief filed January 30, 2004 and referred to on page 6 of the corrected brief, i.e., the excerpt from the HANDBOOK OF PRINT MEDIA, belies appellants' argument that there is no motivation to combine the anilox inker of John with the newspaper printing press of Richards. At page 216, column 2, of the Handbook, it is specifically noted that newspaper presses, like that in Richards, which have lower print quality demands than commercial presses, use ink-zone-free short inking units or "*anilox inking units*" of the type seen in Fig. 2.1-11, because such inking units have a simpler design than conventional inking units and offer the great advantage that the inking unit is in stable equilibrium after only a few revolutions due to the low ink storage capacity.

In accordance with the foregoing discussions, we will sustain the examiner's rejection of independent claims 1 and 14 under 35 U.S.C. § 103(a).

Concerning dependent claims 2, 3 and 17 through 20, appellants contend (brief, page 7) that John does not disclose the limitation that the ink application cylinder is driven directly by a motor. While that may be true of John, the examiner

correctly points out that this aspect of the invention is clearly set forth in Richards, wherein it is indicated that the motors (10a) and (10b) seen in Figure 1 may directly drive the ink application cylinders (8a) and (8b). Note particularly, column 4, lines 9-11 and column 4, lines 18-21. As for the assertion in the reply brief that John does not teach the requirement of claims 3 and 18 that the ink form roll and the first plate cylinder have the same diameter, we agree with the examiner that the teaching in John at column 2, lines 47-61 that the ink form roll should have a diameter of "about 99% of the diameter of the plate cylinder" (emphasis added), would have encompassed and/or been suggestive to one of ordinary skill in the art of an arrangement where the ink form roll and the first plate cylinder have the same diameter. Thus, we will also sustain the examiner's rejection of claims 2, 3 and 17 through 20 under 35 U.S.C. § 103(a).

As for dependent claims 4 through 6, 8 and 16, appellants focus only on the arguments made above concerning the combination of Richards and John as applied to independent claims 1 and 14. Thus, finding no argument for the separate patentability of these claims, we agree with the examiner (answer, page 7) that they

AFFIRMED

CHARLES E. FRANKFORT
Administrative Patent Judge

JOHN P. McQUADE
Administrative Patent Judge

JENNIFER D. BAHR
Administrative Patent Judge

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